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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/282,450	03/31/99	KAWAI	H 990295

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EXAMINER

LEE, D

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 08/10/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/282,450

Applicant(s)
KAWAI et al.

Examiner
Diane Lee

Group Art Unit
2876



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-9 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-9 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____.
- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1 1. Claims 1-9 are presented for examination.

Priority

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4 2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers
5 have been placed of record in the file.

Specification

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8 5. The abstract of the disclosure is objected to because of its minor informalities:

9 (a) Line 1: "The present invention comprises" should be changed to --A commodity
10 information management system includes--; and

11 (b) Line 1: "a deactivator" should be changed to -- A deactivator--.

12 Correction is required. See MPEP § 608.01(b).

13 3. The lengthy specification has not been checked to the extent necessary to determine the
14 presence of all possible minor errors. Applicant's cooperation is requested in correcting any
15 errors of which applicant may become aware in the specification.

Claim Objections

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18 11. Claims 1-2 are objected to because of the following informalities:

19 (a) Re claim 1, line 5: "the downstream" should be changed to --downstream--;

1 (b) Re claim 2, line 5: "the downstream" to --downstream--;

2 Appropriate correction is required.

3
4 ***Claim Rejections - 35 USC § 112***

5 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

6 The specification shall conclude with one or more claims particularly pointing out and
7 distinctly claiming the subject matter which the applicant regards as his invention.

8
9 5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for
10 failing to particularly point out and distinctly claim the subject matter which applicant regards as
11 the invention.

12 Claim 1, lines 5 and 8: the phrase "provided near the downstream side" is vague and
13 indefinite. Without defining what is "the downstream side" implies in the claim, it is unclear to the
14 Examiner the relation of devices (i.e., deactivator or detector) in the system. Appropriate
15 clarification and correction is required. Therefore, claim 2 and the claim(s) which depend
16 therefrom, claims 3-8 are vague and indefinite.

17
18 ***Claim Rejections - 35 USC § 102***

19 6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
20 basis for the rejections under this section made in this Office action:

1 A person shall be entitled to a patent unless --

2 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or
3 on sale in this country, more than one year prior to the date of application for patent in the United States.

4 7. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Tatsuya [JP-9-
5 128,648-cited by the applicant].

6 Re claims 1-2, 4, and 9: Tatsuya discloses a commodity information management system
7 for managing commodity as well as security thereon based on a bar code 11 and a tag 12 attached
8 to the commodity, the system comprising:

9 a bar code scanner 15 as a reader for reading the bar code 11 (see figure 1);

10 upon successful reading of the bar code, a reading recognition light emitting part 19
11 provided at the bar code reader as a deactivating section-drive signal for driving a deactivating
12 section (see figure 1);

13 a reading recognition light receiving part 20 as a deactivator for deactivating the tag after
14 the bar code is read by the reader (see the abstract and figure 1);

15 an object sensor as a detector provided for detecting the affectivity of the tag, i.e.,
16 detecting the magnetism of the tag (see the abstract and figures 1, 4);

17 a buzzer 27 for notifying an operator for a sucessful reading process which is the detection
18 result by the detector.

19 Re claim 3: a reading recognition light emitting part 19 emitting the visual light by the
20 light luminescent element in the reader also serves as the additional notification unit (see the
21 abstract and figure 1);

1 Re claims 5-6: wherein commodity system 2 having a terminal 3 which automatically
2 receives the information electronically via reporting unit (i.e., the communicator 18) serves as a
3 host terminal for controlling the operation of the entire system (see figures 1 and 4).

4 Re claims 7-8: Tatsuya discloses the system having a control unit 21 that determines the
5 deactivation of the tag according to the detection result (see figures 4, 6). When it is determined
6 that the tag has not been deactivated in predetermined period of time (which is set by the timer in
7 the system), a recheck is made by the CPU. Tatsuya further teaches that the buzzer 30 connected
8 to the CPU is used as a warning device which serves the claimed limitation of making/providing a
9 report.

10
11 ***Conclusion***

12 8. The prior art made of record and not relied upon is considered pertinent to applicant's
13 disclosure:

14 Swartz [EP 0 355 355], Knowles et al. [US 5,661,292], Ehrat [US 3,836,755], and
15 Linwood [EP 0 333 459] discloses a system for reading the bar code symbols for monitoring th
16 earticles with a tag having activated/deactivated state.

17 9. Any inquiry concerning this communication or earlier communications from the examiner
18 should be directed to Diane Lee whose telephone number is (703) 306-3427. The examiner can
19 normally be reached on Monday to Thursday and every other Friday (second Friday of the bi-
20 week) from 6:30 AM to 3:30 PM.

1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
2 Donald T. Hajec, can be reached on (703) 308-4075. The fax phone number for this Group is
3 (703) 308-7722.


4 Communications via Internet e-mail regarding this application, other than those under 35
5 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be
6 addressed to [diane.lee@uspto.gov].

7 All Internet e-mail communications will be made of record in the application file. PTO
8 employees do not engage in Internet communications where there exists a possibility that sensitive
9 information could be identified or exchanged unless the record includes a properly signed express
10 waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the
11 Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on
12 February 25, 1997 at 1195 OG 89.

13 Any inquiry of a general nature or relating to the status of this application or proceeding
14 should be directed to the Group receptionist whose telephone number is (703) 308-0956.

15
16 

17 **D. Lee**
18 **Art Unit 2876**
19 **August 2, 2000**



KARL D. FRECH
PRIMARY EXAMINER

8/9/00